

Statutory Document No. 2020/0222



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CONTROL OF EMPLOYMENT) REGULATIONS 2020¹

Laid before Tynwald: 7 April 2020

Approved by Tynwald: 7 April 2020

Coming into Operation: in accordance with regulation 2

The Governor in Council, by Order¹ makes the following Regulations under section 4 of the Emergency Powers Act 1936.

Editorial Note: These Regulations are modified in their effect by the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020 [SD 2020/0370].

The modifications are not shown in the text of these regulations. For details of the modifications please see the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

(1) In these Regulations —

“**the Act**” means the Control of Employment Act 2014;

“**the application period**” means the period beginning on 28 February 2020 and ending at the end of the Coronavirus Proclamation period; and²

¹ Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations...”.

² By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020³; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19).³

(2) Expressions defined in the Act have the same meanings in these Regulations as they have in the Act.

4 **General**

These Regulations temporarily modify the Act for the purpose of facilitating employment continuity and best use of available human resources for gainful employment prior to, during and in the aftermath of the Coronavirus Proclamation period.⁴

5 **Duration of work permit**

(1) A work permit which was or is in force at any time during the application period remains in force until the expiration of a period of 6 months after —

- (a) the end of the period specified in the permit under section 8(5) (work permits) of the Act; or
- (b) the date specified in section 8A(5) (cohabiting partner of Isle of Man worker) or 9(2) (spouse or civil partner) of the Act,

as the case may be.

(2) Paragraph (1) is subject to section 11 (revocation) of the Act.

6 **Change of employment**

(1) This regulation applies where —

- (a) a person (“the employee”), at any time during the application period, was or is undertaking or engaged in any employment (“the former employment”) —

- (i) which was or is authorised by a work permit, or
- (ii) to which section 6 (restrictions on employment) of the Act did or does not apply by virtue of any provision of section 7 (exemptions) of the Act;

³ SD 2020/0162

- (b) during the application period the employee undertakes or becomes engaged in any employment other than the former employment ("the new employment"); and
- (c) section 6 of the Act would apply to the new employment apart from this regulation.

This is subject to paragraph (3).

- (2) Section 6 of the Act does not apply to the new employment –
 - (a) in a case mentioned in paragraph (1)(a)(i), until the date when the work permit ceases to be in force;
 - (b) in a case mentioned in paragraph (1)(a)(ii), until the expiration of a period of 6 months after the end of the application period.
- (3) This regulation does not apply where the employee, at any time during the application period, was or is a person mentioned in section 10 (criminal records) of the Act.

7 Suspension of registration of exempt persons

- (1) No person is obliged to provide information to the Department, or to notify the Department of any matter, under paragraph (2), (3), (5) or (6) of regulation 14 of the Control of Employment Regulations 2017, during a period ("the suspension period") beginning with the coming into operation of these Regulations and ending 6 months after the end of the application period.
- (2) Accordingly a failure to comply with any provision of that regulation during the suspension period is not an offence under paragraph (7) of that regulation.

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ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “the application period” amended by SD2020/0249 with effect from 14/04/2020 at 14:48.

³ Definition of “the Coronavirus Proclamation period” inserted by SD2020/0249 with effect from 14/04/2020 at 14:48.

⁴ Reg 4 amended by SD2020/0249 with effect from 14/04/2020 at 14:48.